

FILED

JUL 6 - 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICKY BRUMFIELD,

Defendant.

No. CR-12-00495 SBA

~~PROPOSED~~ ORDER DETAINING
DEFENDANT RICKY BRUMFIELD
PENDING TRIAL

Date: July 6, 2012

Time: 9:30 a.m.

Court: Hon. Donna M. Ryu

Defendant Ricky Brumfield is charged in an indictment with conspiracy to possess with the intent to distribute and to distribute heroin and cocaine, in violation of 21 U.S.C. §§ 846, 841(a)(1), 841(b)(1)(B)(i), 841(b)(1)(C), and possession with intent to distribute and distribution of heroin within 1000 feet of a school, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 860. The United States moved for defendant's detention pursuant to 18 U.S.C. § 3142, and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Given the nature of the

~~PROPOSED~~ DETENTION ORDER FOR DEFENDANT RICKY BRUMFIELD
No. CR-12-00495 SBA

cc: Copy to parties via ECF, Lisa Pref. Svc.,
2 certified copies to US Marshal

1 crimes charged, there is a rebuttable presumption in this case that no conditions or combination
2 of conditions will reasonably assure the appearance of defendant as required and the safety of any
3 other person and the community. See 18 U.S.C. § 3142(e)(3)(A). On July 6, 2012, following a
4 hearing pursuant to 18 U.S.C. § 3142(f), and considering the Pretrial Services report, the
5 indictment filed in this case, the proffers by both parties, and the factors set forth in 18 U.S.C. §
6 3142(g), the Court ordered defendant detained, as no condition or combination of conditions in
7 18 U.S.C. § 3142(c) will reasonably assure the appearance of defendant as required and the safety
8 of any other person and the community. See 18 U.S.C. §§ 3142(e) and (f); United States v.
9 Motamedi, 767 F.2d 1403, 1406 (9th Cir. 1985). Specifically, the Court noted defendant's arrest
10 history, significant substance abuse issues, and lack of a viable surety.

11 **ORDER**

12 Defendant is ordered detained as no condition or combination of conditions in 18 U.S.C.
13 § 3142(c) will reasonably assure the appearance of defendant as required and the safety of any
14 other person and the community.

15 Defendant is committed to the custody of the Attorney General or a designated
16 representative for confinement in a corrections facility separate, to the extent practicable, from
17 persons awaiting or serving sentences or held in custody pending appeal. See 18 U.S.C. §
18 3142(i)(2). Defendant must be afforded a reasonable opportunity to consult privately with
19 counsel. See 18 U.S.C. § 3142(i)(3). On order of a court of the United States or on request of an
20 attorney for the government, the person in charge of the corrections facility must deliver
21 defendant to the United States Marshal for a court appearance. See 18 U.S.C. § 3142(i)(4).

22 IT IS SO ORDERED.

23
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25 DATED: July 6, 2012



HON. DONNA M. RYU
United States Magistrate Judge